

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,
vs.

ANNETTE ELERBY and LINDA
DOHN, by and through her agent with
Power of Attorney, SID GONZALES,

Defendants.

No. 1:15-cv-00331-PJK-KK

ORDER

THIS MATTER comes before the court upon MetLife's Motion to Deposit Funds, Be Dismissed, and Recover Attorney's Fees filed August 3, 2015. Doc. 11. Upon consideration thereof, the Motion is granted in part, and deferred in part.

(1) In this interpleader action, MetLife is unable to determine the proper beneficiary of proceeds under a group life insurance policy. The \$25,000 coverage was obtained under the Ford Motor Company Basic Life Plan, an ERISA-regulated employee welfare benefit plan, by the decedent, David Dohn. Doc. 9 at 2.

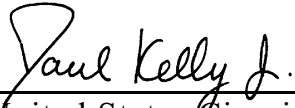
(2) Pursuant to Fed. R. Civ. P. 22 & 67, MetLife should be granted leave to deposit the policy proceeds with the court, together with accrued interest, from the date MetLife received due proof of claim to the date of its depositing the funds with the court.

NOW, THEREFORE, IT IS ORDERED that:

(1) MetLife's Motion to Deposit Funds, Be Dismissed, and Recover Attorney's Fees filed August 3, 2015 (Doc. 11) is granted in part insofar as depositing with the court the proceeds and accrued interest of the life insurance policy at issue. In all other respects, the motion is deferred.

(2) The Clerk of Court is authorized and directed to accept for deposit in accordance with Fed. R. Civ. P. 67(b), the interpleaded proceeds (\$25,000) and accrued interest and to hold such funds pending further order of the court.

DATED this 3rd day of September 2015, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation